

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JEFFREY ALLEN LININGER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security

Defendant.

Case No. C16-5011-JCC-JPD

REPORT AND RECOMMENDATION

Plaintiff has filed an application to proceed *in forma pauperis* (“IFP”) in the above-entitled civil action. Dkt. 1. After careful consideration of plaintiff’s IFP application, the governing law, and the balance of the record, the Court recommends that plaintiff’s IFP application, Dkt. 1, be DENIED.

Plaintiff’s IFP application reflects that he has sufficient financial resources to pay the \$400 filing fee required in federal civil actions. As a threshold matter, the Court notes that plaintiff failed to comply with LCR 3(b) by sufficiently answering all of the questions on the IFP affidavit approved for use in this district. Specifically, in response to Question #7, plaintiff lists monthly expenses for a mortgage, truck and trailer, yet under Question #5, he does not disclose any ownership interest in real estate and/or automobiles. Dkt. 1 at 2. In any event, plaintiff indicated that during the past twelve months, plaintiff and his spouse have earned a

1 total of approximately \$79,219.04. Specifically, plaintiff stated that his wife's net earnings
2 were approximately \$38,458, and they have received \$38,151.40 from workers compensation
3 and \$2,609.20 from child support. Plaintiff also indicated that he has \$341.74 in his checking
4 account, \$1,373.66 in his savings account and his wife has retirement accounts totaling
5 \$23,037.35. Finally, although plaintiff noted that the "workers compensation claim closed and
6 now have only wife's income," the Court finds that plaintiff's current financial resources
7 should still enable him to afford the filing fee in this action. Dkt. 1 at 1-2.

8 Accordingly, the Court recommends DENYING plaintiff's IFP application, Dkt. 1, and
9 directing him to pay the \$400 filing fee within thirty (30) days of the Order adopting this
10 Report and Recommendation. Plaintiff is advised that failure to pay this filing fee will result in
11 dismissal of this action.

12 The Clerk of the Court is directed to send copies of this Report and Recommendation to
13 the plaintiff and to Judge Coughenour.

14 Objections to this Report and Recommendation, if any, should be filed with the Clerk
15 and served upon all parties to this suit by no later than **January 22, 2016**. Failure to file
16 objections within the specified time may affect your right to appeal. Objections should be
17 noted for consideration on the District Judge's motion calendar for the third Friday after they
18 are filed. Responses to objections may be filed within fourteen (14) days after service of
19 objections. If no timely objections are filed, the matter will be ready for consideration by the
20 District Judge on **January 29, 2016**.

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1 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
2 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
3 assigned District Judge acts on this Report and Recommendation.

4 DATED this 8th day of January, 2016.

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6 JAMES P. DONOHUE
7 Chief United States Magistrate Judge
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